

MILES DEVINE.

[To accompany Bill S. No. 99.]

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APRIL 6, 1860.—Ordered to be printed.

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Mr. MAYNARD, from the Committee on Claims, made the following

REPORT.

*The Committee on Claims, to whom was referred Senate bill No. 99, "for the relief of Miles Devine," have had the same under consideration, and beg leave to report :*

That the petitioner was a day laborer in the employment of the United States, and was engaged on the repairs of Fort Scammel, in Portland harbor. While employed in making an excavation a bank of earth suddenly fell and buried him to the depth of several feet, injuring him, and rendering him a cripple for life.

At the 1st session of the 34th Congress, Devine petitioned for a pension, upon which Mr. Clay, of the Senate, made the following report :

"That petitioner prays a pension for injuries received while employed as a day laborer on a United States fort. The laws granting pensions do not recognize any claims of this character ; and there are few, if any, precedents in the special legislation of the country which sanction such a claim. It is an absolute condition of the pension system of the country that the recipient of its benefits shall have been regularly received into the military or naval service, and shall be disabled in consequence of wounds received, or diseases incurred, while in such service, and in the line of duty. To depart from this condition would be to open the door for a class of claims having no foundation in justice, or limitation by law. Your committee must, therefore, withhold their sanction from all claims for pensions of persons disabled while employed upon civil contracts for the government, except where peculiar and extraordinary circumstances may render it expedient to depart from this rule. They recommend that the prayer of the petitioner be denied."

The petition was again renewed before the Senate at the 1st session 35th Congress, when Mr. Simmons made a favorable report, in which he says :

"While the committee concur fully in this wise policy of the gov-

ernment in regard to the granting of pensions, they think that cases may arise in which, in the exercise of a wise and humane discretion, Congress may properly interpose to relieve the necessities of persons in civil life who become disabled from providing for their own support by accidents incurred in the faithful service of the country. This case is nearly identical with that of Peter Grover, for whose relief an act was passed at the last session of Congress. The principle laid down in that case is the following :

"Where a skilful and industrious mechanic or laborer is employed by the government in a *necessary but dangerous service*, and, without any fault or negligence, receives, in the performance of his duty, an injury which permanently disables him from providing for those dependent upon his skill and labor for support, it would alike become the government or an individual employer to manifest their sympathy 'in the only way calculated to carry conviction of its sincerity,' by extending some measure of material aid and bounty. Such a case, it is believed, is presented by the petitioner."

The claim of Peter Grover, here referred to, appears to have passed this committee without a report in writing, and it is presumed without much consideration. Nor is it necessary here to express an opinion as to the correctness of the principles laid down in that case by the Senate, as your committee can perceive no application of them to the case under consideration. The rules which might properly govern in the employment of a "skilful mechanic in a dangerous service," can hardly be construed to apply to a "day laborer digging in an embankment of earth."

Your committee concur fully in the opinion of Mr. Clay, that to depart from the well established and uniform policy of the government, respecting the granting of pensions and gratuities, "would be to open the door for a class of claims having no foundation in justice, or limitation by law."

A similar bill to that now before your committee passed the Senate at the last session of Congress, was referred to them, and the chairman was directed to make the following report :

Mr. S. S. MARSHALL, from the Committee on Claims, made the following report :

*The Committee on Claims, to whom was referred Senate bill No. 288, for the relief of Miles Devine, have had the same under consideration, and beg leave to report :*

That the claimant was a laborer, employed by the government in the repairs of Fort Scammel, in Portland harbor, and while thus employed was buried beneath an embankment of earth, which suddenly fell upon him, seriously injuring him, and making him a cripple for life. In consideration of this injury, received while in the employment of the government, the bill proposes giving the memorialist a gratuity or pension. Your committee can perceive no good reason why this case should be made an exception to the hundreds of similar

cases constantly occurring among the civil employés of the government. If it be desirable that the government should indemnify against accident or injury, a general law should be passed which would operate equally. They therefore report back the bill, with a recommendation that it do not pass.

Believing in the correctness of the view taken in the above report, your committee report back the Senate bill, and recommend that it do *not* pass.

There is a general feeling of optimism among the medical profession at the present time. It is felt that the government should immediately enact legislation to protect the public health, and that a general law should be passed which would require all physicians to report their patients with a communicable disease. This legislation is expected to be passed in the near future.

Following in the footsteps of the new ideas in the above report, the American Medical Association has issued a statement which is a call for action. It is a call for action to protect the public health, and it is a call for action to protect the medical profession.

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